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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 002628

SIPDIS

STATE FOR AF, AF/S, CA/OCS, AND DS  
NSC FOR SENIOR DIRECTOR FRAZER

E.O. 12958: DECL: 11/21/2004

TAGS: [PREL](#) [CASC](#) [EINV](#) [ASEC](#) [ODIP](#) [ZI](#)

SUBJECT: MFA OFFICIAL DISCUSSES GILMAN SHOOTING, MELFORT  
DETENTION, AND EXPROPRIATION OF AMCIT PROPERTY

REF: A) HARARE 2487 B) HARARE 2529

Classified By: CLASSIFIED BY DCM REWHITEHEAD DUE TO 1.5 (B).

1. (c) Summary. The Ambassador and DCM met with MFA Division Director for Europe and the Americas, Joey Bihma, and acting desk officer Henry Mukonoweshuro on November 20 at Bihma's invitation. A cordial, almost conciliatory, Bihma stated that he wished to address the shooting by police of Richard Gilman in Mutare and the detention of two Embassy staff by war vets on farm near Melfort (ref b). On the Gilman incident, Bihma handed over a more thorough police report, as requested by the Ambassador in an earlier meeting with Fonmin Mudenge (ref a). On the Melfort episode, Bihma pointed out that the MFA would find it easier to protect traveling American diplomats if the Ministry were informed in advance of their movements and destinations, to which the Ambassador was non-committal. The Ambassador also raised two de facto expropriations of properties owned by American citizens and explained that this could become a factor in the annual selection of the list of countries that may benefit from the General Schedule of Preferences (GSP). Bihma expressed optimism that this issue could be resolved. Negative commentary in the GOZ press following the release of an Embassy statement on the Melfort incident has continued through November 21, but Bihma's buttery comportment leads us to believe that the GOZ is still reluctant to tackle us in person head on. End summary.

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The Gilman Shooting  
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2. (sbu) Bihma had very little to say on the shooting of Richard Gilman, other than to note that both sides had agreed on the need for a thorough investigation. He noted that the MFA had requested the police to do this, and that the ZRP had completed and submitted the report on November 19. He passed a copy of the report to the Ambassador, who acknowledged our satisfaction that the GOZ had respected our requests for access to the vehicle in which Mr. Gilman was killed and the presence of a medical representative of the Gilman family present during the autopsy. The report, which was not all that thorough, has been transmitted septel. We will relay our views to the GOZ on the report, and the use of lethal force over a question of documentation, in a note verbale.

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The Melfort Detention  
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3. (sbu) Bihma said that Fonmin Mudenge had asked him to point out that the MFA had in the past circulated a memo advising diplomats to inform the MFA in advance of travel, supplying information on timing and destination. Bihma hastened to add that this was for purposes of notification, not asking permission. It would allow the MFA to inform local security officials to ensure the safety of traveling diplomats, and would be a proper and helpful gesture. Bihma said that such notice would not be necessary for recreational visits, only normal official business. The Ambassador asked if there had been any progress on our request that personal belongings and documents taken from USG employees be promptly returned. Bihma replied that there was no report on this yet. The Ambassador stressed that the incident remained of great concern to us. Although we had managed to contact an MFA and police officials when we were informed of the detention, we had a hard time getting the MFA secretariat to accept our note verbale on the incident during Ministry working hours. We were also unwilling to lodge a complaint with police near Melfort, who were acting as if this were a routine police matter when it was, in fact, a political and diplomatic incident. Bihma agreed that matters affecting diplomats were to be handled by the MFA and said that the MFA would be sure that we were in possession of a valid telephone contact number for the Ministry's duty officer. DCM rejoined that this mechanism had not proven particularly reliable in the past.

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Expropriation of Amcit Property  
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14. (sbu) The Ambassador took the occasion to raise two documented expropriations of Amcit properties, a ranch and a farm. Both had received two or more of the Section 5, 7, and 8 notices under the land reform legislation, and the Amcit owners had been dispossessed of their properties. In one other case, the expropriation mechanism was underway although the amcits in questions retained control of their respective properties. The Ambassador said that we had at various points delivered notes verbale on these cases -- he passed copies to Bihma -- but since June de facto expropriation had occurred nonetheless. The Americans in question had exhausted legal remedies. The Ambassador noted that under both international and U.S. regulations, the respect for property rights, or prompt and fair compensation, are the norm. He continued that the U.S. legislative schedule will soon begin its annual review of GSP beneficiaries, which receive preferential access to U.S. markets in the form of lowered duty. Last year, Zimbabwe had benefited from this program to the tune of USD 26 million. One aspect of this qualifying for this program, however, is whether property owned by U.S. citizens has been expropriated.

15. (c) Bihma said that he had been unaware of the listing of the properties in question. There had been a Cabinet decision to delist properties owned by foreign investors. In the event that overriding national interests were at stake, the owners must be compensated fully for the property. He said that the current financial situation made such compensation impossible, and thus delisting is the norm. He offered to look into the issue and return to us with a more definitive response.

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Comment  
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16. (c) Bihma had clearly received instructions to break no eggs in his dealings with us. Following the release of the Embassy's strongly worded November 19 press statement on the Melfort incident, Information Minister Jonathan Moyo engaged in his usual braying performance in the GOZ written press, and on November 21 the GOZ Herald ran an article claiming that U.S. diplomats were under order to give 48 hour notification for travel outside of Harare, a statement that directly contradicts what Bihma stated. The article further claims that the Ambassador was apologetic -- he was not -- and characterized our press statement on the Melfort as "undiplomatic and defamatory." Whatever the GOZ propaganda machine may churn out, face to face Bihma and his handlers appear unwilling to take us head on. We have implemented new measures to minimize the risk of Melfort incidents in our travel into the field, but we have no intention of abandoning these missions. We also do not intend to provide the MFA forty-eight hour notice -- only the British have been ordered to do so -- unless expressly told to do so in writing. At that moment, we will request reciprocal treatment of Zimbabwean officials posted in Washington and New York.

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